

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: 05-125
WITH RCW 42.17)	
)	Report of Investigation
King County Library System)	
Bill Ptacek, Director)	
)	
Respondents)	
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I.

Complaint

- 1.1 On November 18, 2004, Will Knedlik filed a citizen action (45-day letter) alleging violations of RCW 42.17.130 by the King County Rural Library District in accordance with RCW 42.17.400 with the Office of the Attorney General and with the King County Prosecutor's Office. **See Exhibit #1.** Specifically, the citizen action letter from Mr. Knedlik alleged that the King County Rural Library System (KCLS) violated the following:
- Publications produced by KCLS repeated misstatements of central facts to District taxpayers to misinform voters affirmatively;
 - Repeated misuses of public assets, facilities and personnel to promote highly material information;
 - Made wrongful gifts of public property to fund its associated campaign operation;
 - Wrongful exploitation of the prestige of this state's judiciary to bootstrap credibility for all pivotal misstatements on which its disinformation program relied.
- 1.2 On December 2, 2004, the Public Disclosure Commission (PDC) received formal notification from the Office of the Attorney General of Mr. Knedlik's 45-day letter. **See Exhibit #2.**

II.

Scope

- 2.1 Public Disclosure Commission staff reviewed the 45-day citizen action letter filed by Will Knedlik.
- 2.2 PDC staff reviewed the KCLS website for information concerning the September 14, 2004 bond measure.
- 2.3 PDC staff reviewed the 17-page electronic response submitted by the KCLS on December 16, 2004.
- 2.4 PDC staff reviewed the 83-pages of exhibits that were electronically submitted by the KCLS on December 16, 2004. Those exhibits included the following documents:
 - One-page KCLS Bond Costs Chart;
 - Friends and Advisory Board Meetings;
 - One-page Library Public Activity Matrix;
 - KCLS Staff Training Materials;
 - Book Sale Agreement;
 - KCLS Foundation, 2004 Income and Expenses (Charts);
 - Bond Information Communications: Strategic Brief;
 - Public Information Video for Bond Measure;
 - Library Election, September 14 printed materials.
- 2.5 PDC staff reviewed the 13-page electronic response submitted by the KCLS on December 23, 2004, along with the 236-pages of exhibits that were electronically submitted by the KCLS. Those exhibits included the following documents:
 - Monthly Director's Reports from Bill Ptacek, KCLS Director to the KCLS Board of Trustees, covering the period of January 2000-December 2004;
 - A listing of all the agencies and community organizations that had been visited by Mr. Ptacek from 2000 to present;
 - A 31-page alphabetical listing of community groups that included school districts, school board members, superintendents, principals, PTA groups, churches, Chambers of Commerce, Rotary, Lions Clubs, Kiwanis and other business and community groups;

- A 30-page "Summary of Community Relations Materials" from a worksheet listing all "Community Relations" expenditures made in 2004.

2.6 PDC staff conducted the following telephone interviews under oath:

- December 27, 2004: Julie Wallace, Community Relations/Graphics Manager for the KCLS
- December 27, 2004: Bill Ptacek, Director for the KCLS.

2.7 PDC staff reviewed the 2-page electronic response submitted by the KCLS on December 29, 2004.

2.8 PDC staff reviewed the King County Library System Foundation website for additional information.

2.9 PDC staff reviewed a 8-page electronic response submitted by the KCLS on January 3, 2005, that included a June 1994 KCLS Public Service Policy regarding the Community Liaison position, a 5-page KCLS Community Library Expectations Checklist, and 2-spreadsheets, one each for calendar year 2002 and 2003 listing payments from the KCLS to a number of different community organizations for membership fees and dues, trade shows, and job fairs.

2.10 PDC staff reviewed a 15-page electronic response submitted by the KCLS on January 10, 2005, that included a one page breakdown of the costs of the materials produced for the 2004 Bond Measure, a one page memorandum about payments made in 2003 by KCLS for the 2004 Bond Measure, a reduced size version of a poster about the September 14, 2004 election, and seven examples of bookmarks produced by KCLS that did not contain information about the election.

2.11 PDC staff reviewed a 6-page electronic response submitted by the KCLS on January 11, 2005, that included three examples of bookmarks produced by KCLS that contained a "Did You Know" section.

2.12 PDC staff reviewed a 3-page electronic response submitted by the KCLS on January 12, 2005, regarding flyers that were attached to the posters for the 2004 Bond Measure.

III.

Law, Administrative Rules & Commission Interpretations

3.1 **RCW 42.17.130** states the following:

“Forbids use of public office or agency facilities in campaigns. No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.”

3.2 **WAC 390-05-271** states the following:

“**General applications of RCW 42.17.130.** (1) RCW [42.17.130](#) does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.

(2) RCW [42.17.130](#) does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.”

3.3 **WAC 390-05-273** states in part the following:

“Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW [42.17.130](#), means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.”

3.4 **PDC Interpretation #00-05:** Guidelines for Local Government Agencies, Including School Districts, in Election Campaigns. **See Exhibit #3.** PDC Interpretation #00-05 was approved by the Commission on September 26, 2000, to provide clarification to local government agencies, including school districts that communicate with the public information about the operations of the agency or jurisdiction, including ballot propositions that impact their general maintenance and operations. The 9-page Interpretation included the following information:

- Statutory and Administrative Law: RCW 42.17.130, WAC 390-05-271 and WAC 390-05-273;
- A listing of seven basic principles;
- A summary of seven activities that may violate RCW 42.17.130;
- A summary of six activities that do not violate RCW 42.17.130;
- Answers to 19 questions that are frequently asked about the use of public facilities in campaigns.

IV.

Facts

Background

- 4.1 On February 5, 2002, the King County Library System passed a Levy Lid Lift on a special election ballot. The measure was approved by the voters 64.04% to 35.96%,
- 4.2 On February 4, 2003, the King County Library System placed Proposition No. 1 on a special election ballot, a \$158 million Capital Projects Bond Measure. King County Proposition No. 1 which required a 60% approval rate was defeated by the voters 52.51% to 47.49%.
- 4.3 On September 14, 2004, the King County Library System placed Proposition No. 1 on the primary ballot, a \$172 million Capital Projects Bond Measure. King County Proposition No. 1 was approved by the voters 63.57% to 36.43%.
- 4.4 On December 16, 2004, the KCLS submitted a 17-page electronic response to the allegations made by Mr. Knedlik that they used KCLS facilities for the purpose of promoting the September 14, 2004 ballot proposition in violation of RCW 42.17.130. **See Exhibit #4.** The KCLS response addressed each of Mr. Knedlik's allegations and is detailed below.

Facts Regarding PDC Staff Review of Will Knedlik Allegations

Allegation #1: Publications produced by KCLS included misstatements of central facts to District taxpayers that misinformed voters.

- 4.5 Mr. Knedlik alleged that KCLS presented misleading information in publications about the 2004 Bond Measure by stating repeatedly that the ballot proposition authorized the issuance of "replacement bonds." A portion of Mr. Knedlik's complaint was that the bonds were duplicating existing bonds that had been issued by the KCLS in 1988, at least in part since some of those bonds don't expire until 2011. Since there were about 6 years left on those bonds, Mr. Knedlik stated that it was misleading for KCLS to state the \$172 million 2004 capital bond was to replace the expiring 1988 bond.
- 4.6 In the response submitted by Bill Ptacek, he stated that for the 2004 Primary Election the King County Prosecuting Attorney's Office determined the language for the ballot initiative should refer to "replacement bonds" instead of the Library's suggestion of "that these bonds would take the place of previously issued bonds." He stated that it was accurate for the KCLS to state that "our current bond measure will

soon expire”, since the 1988 bonds authorized by that ballot proposition were issued more than 16 years ago, will expire within 7-years and have “already passed almost 70% of their useful life.”

- 4.7 Mr. Ptacek stated during his interview under oath that KCLS was trying to communicate how much the bond measure was going to cost. **See Exhibit #5, Bill Ptacek Interview Transcript.** He stated that KCLS staff believed that it would become confusing to try and talk about the 1988 bond project, and that some of the bonds issued would expire in 2011, with other bonds expiring at an earlier time. KCLS staff said they felt that what people really wanted to know was how much the bond would cost them, and KCLS wanted to make it clear that \$25 per year on a \$300,000 home would be the total cost for the homeowner. Mr. Ptacek stated the \$25 per year amount included both the 1988 unexpired bond costs and any newly issued bond costs. He said that amount served as a guide for the KCLS to insure they did not issue more bonds in an amount that would exceed \$25 per year on a \$300,000 house.
- 4.8 Mr. Ptacek stated KCLS did not simply say that the bonds would expire in 2011, and that KCLS was replacing the bonds that will expire in 2011 because describing bond costs is a very complex issue and hard to describe in a postcard, bookmark or other publication. He went on to state that for the same reasons KCLS made a Chart entitled “KCLS Bond Costs”, graphs and more detailed information about the bond measure that was available on their web page www.kcls.org. The information about the 2004 Bond Measure included 15 “Commonly Asked Questions” and 10 “Funding/Cost Questions.”
- 4.9 Ms. Wallace explained during her interview under oath that other printed materials produced by KCLS along with the information on the website, described that the 1988 bond measure was expiring soon. **See Exhibit #6, Julie Wallace Interview Transcript.** KCLS included a chart on the website entitled “KCLS Bond Costs” that showed when the bonds issued in 1988 were going to retire, and the total amount that was reduced annually. **See Exhibit #7.** She stated the KCLS spent a lot of time trying to educate people about the 1988 bond information, and said they did not infer or state to people that the bonds were expiring in 2004. She further stated that KCLS was very up front about the time frame in which the 1988 bonds would be expiring.
- 4.10 Ms. Wallace stated the chart “KCLS Bond Costs” was produced and distributed along with other library materials, and that the chart was also made available on the KCLS website. The chart and information was also included and discussed during presentations made to community

organizations and other outreach related efforts. The information included on the chart stated the expiration date of the existing bonds, the projected dates for issuing the new bonds, and the total cost per household. Mr. Ptacek also stated this information had been reported by the local media.

Allegation #2: KCLS repeatedly misused public assets, facilities and personnel to promote highly material misinformation.

- 4.11 Mr. Knedlik is alleging that KCLS misused public assets, facilities and personnel by distributing information that made “material misrepresentations to district taxpayers in all-or-most core items of false campaign advertising disguised...as objective information.”
- 4.12 Mr. Ptacek stated in the response that the KCLS is the second busiest library system in the United States, serving more than 1.2 million people and includes 33 cities (excluding Seattle, which runs its own library system), and 18 school districts. Given those facts, he stated KCLS feels it must have an extensive outreach effort using “numerous channels of communications-including brochures, postcards, videos, web-based materials and outreach to community groups—in connection with its public information efforts.”
- 4.13 KCLS referred to a number of other efforts they had undertaken over the last five years that included its 2000 Library Card Campaign, its 2002 Library Choices initiative, and also its 2002 Levy Lid Lift and 2003 Bond Elections. Mr. Ptacek stated that the information distributed for the 2004 Bond Measure was comparable to information distributed for prior activities, and other public information efforts undertaken over the years like summer reading programs, and Story Fest International, library monthly calendar of events, etc... Mr. Ptacek stated the 2004 Bond Measure materials were consistent with the “normal and regular” conduct of the KCLS when compared with the activities listed above, and other library initiatives and reading programs.
- 4.14 Mr. Ptacek stated that the 2004 public information effort for the Bond Measure was based on feedback that KCLS staff had received from library patrons dating back to the 2002 Library Choices initiative. He further stated that feedback from patrons about the failed 2003 Bond Measure indicated the need for the KCLS to provide more detailed information regarding the costs of the bond measure, and the facilities to be upgraded or constructed by the bond measure, and to distribute that information more widely. The KCLS provided the following information about KCLS postcard mailings and distribution:

- 2001 Internet Choice Postcard: A postcard was mailed to all households within the KCLS service area, a total of 438,387 providing recipients with information about the KCLS website.
- 2002 Library Choices Postcard: The postcard was mailed to all households within the KCLS service area, a total of 554,188 providing recipients with information about the Library Choices Initiative (See Section 4. of this report).
- 2004 Library Bond Postcard: A postcard was mailed to all households within the KCLS service area, a total of 532,582 providing recipients with information about the September 14, 2004 Bond Measure.

4.15 Mr. Ptacek stated that the public information strategies for the 2004 bond measure “were grounded in community outreach and communication efforts that KCLS has employed regularly with regard to a variety of information campaigns,” including the 2002 Library Choices and 2000 Library Card Campaigns. He stated that the information provided by the KCLS with regard to the 2004 Library Bond measure was “objective, factual and intended to inform the public of the Library’s capital needs, consistent with PDC guidelines.” He stated the information produced and distributed by the KCLS was to assist the public in understanding the costs of the bond measure, and what it would pay for.

4.16 Below is a chart summarizing selected activities undertaken by the KCLS as chosen by PDC staff for the following years:

	Website	Brochure	Bookmark	Consultant	Direct Mail Postcard	Community Outreach Efforts	Video	Editorial Board Visits	Voters Pamphlet
2000 ¹ Library Card	X	X		X	X	X		X	N/A
2002 Levy Lid Lift	X	X	X		X	X		X	Yes
2002 Library Choices	X	X	X	X	X	X	X	X	N/A
2003 Bond Election	X	X	X	X		X	X	X	No

¹ As part of the 2000 Library Card Campaign, the KCLS ran an extensive advertising effort that included radio spots, billboard and transit advertising, truck signs, and events that were not undertaken in other years.

2004 Bond Election	x	X	X	X	X	X	x	X	Yes
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- 4.17 Mr. Ptacek referred to PDC Interpretation #00-05, Guidelines for Local Government Agencies, including School Districts, in Election Campaigns, and stated that it was the responsibility of local governments in general and KCLS specifically to provide information to citizens and library patrons about the maintenance and operation of the library, and other major policy issues.

Information regarding Allegation #2 is addressed in greater detail in this Report of Investigation, beginning in section 4.41.

Allegation #3: KCLS made wrongful gifts of public property to fund its associated campaign operation.

- 4.18 Mr. Knedlik alleged that KCLS sent surplus books to the King County Library System Foundation (Foundation), and that the proceeds from the book sales were used to contribute funds to the People for Libraries, the political committee formed to support the September 14, 2004 bond election.
- 4.19 A review of the PDC database for contributions disclosed that the KCLS Foundation was reported as making \$38,500 in monetary contributions to the People for Libraries 2004 Bond levy campaign covering the period July 1-September 16, 2004. Mr. Ptacek stated in the response that Foundation funds were used to make \$33,400 in monetary contributions to the People for Libraries (PFL) committee, a political committee formed to support the 2004 KCLS Bond measure, and that private funds were the source of the contributions (discrepancy in amounts is due to a refund from PFL to the Foundation).
- 4.20 Mr. Ptacek stated in his response that KCLS had been sending the proceeds from the sale of surplus books to the Foundation for many years, either directly to the Foundation or through the Friends of the Library. He stated this activity has been ongoing every year, even if there was no ballot proposition. The Foundation is a not-for-profit, 501c (3) entity registered with the Internal Revenue Service (IRS). In accordance with IRS code, the proceeds from the sale of books must be used to enhance KCLS programs and facilities.

- 4.21 Mr. Ptacek stated the Foundation entered into a contractual agreement with the KCLS to receive the proceeds from the sale of surplus KCLS books. The language stated that the proceeds from the book sale: "shall be used exclusively for the support of the Library and its facilities, services, programs, and activities." **See Exhibit #8.** The KCLS provided a copy of the *Book Sale Agreement* entered into between the KCLS and the Foundation.
- 4.22 PDC staff spoke with Jeanne Thorsen, Executive Director of King County Library System Foundation (Foundation) in an informal telephone interview with regard to the contributions made by the Foundation to the PFL. Ms. Thorsen stated the purpose of the Foundation is to support the King County Library System (KCLS) in as many ways as possible. The mission statement of the Foundation reflects that purpose, and the statute governing the KCLS establishes a special relationship between the KCLS and the Foundation.
- 4.23 Ms. Thorsen stated the KCLS book sales used to be conducted between the KCLS and the Friends of the Library (FOL). The Foundation would receive some of the proceeds from the book sales conducted by FOL. She stated the Foundation had recently taken over the book sale from the FOL, and that the Foundation does not have any control over the timing of the release of any books earmarked for sale by the KCLS.
- 4.24 Ms. Thorsen stated the Foundation then entered into a contractual arrangement with two on-line book vendors, and when KCLS informs them books are ready to be sold, the Foundation lets the on-line vendor know that books are available to be put up for the book sale. The Foundation is provided with a check for the book sales every month (at least for the last 10+ months), and they also receive a monthly report detailing the book sales. She also stated there is a system in place that allows the Foundation to monitor the process.
- 4.25 Mr. Ptacek provided 2-pie charts showing the Foundation's Income and Expenses for calendar year 2004. **See Exhibit #9.** The first pie chart was entitled *KCLS Foundation Income 2004* and was broken into two components, income from online book sales and other revenue. The pie chart included the following information:
- Other revenues received by the Foundation for 2004 totaled \$636,400 and represented 82% of the total revenue received;
 - The revenue from the online book sales totaled \$138,400 and represented 18% of the total received by the Foundation

- 4.26 The second pie chart was entitled *KCLS Foundation Expenses 2004* and was broken into four cost components, direct support of library programs, fund raising and administrative costs, contributions to library and library friends groups in support of library programs, and bond campaign contributions. The pie chart included the following information for 2004:
- KCLS Foundation expenditures for direct support of library program payments totaled \$913,400 and represented 83% of the total expenses;
 - KCLS Foundation fund raising and administrative costs totaled \$82,500 and represented 8% of the total expenses;
 - KCLS Foundation contributions/expenditures to library and library friends groups in support of library programs totaled \$62,700 and represented 6% of total expenses;
 - KCLS Foundation 2004 bond campaign contributions totaled \$33,400 and represented 3% of total expenses.
- 4.27 Mr. Ptacek stated in his response the KCLS Foundation generated \$774,800 in revenue and contributions as of December 16, 2004, with less than \$140,000 of those funds coming from the sale of the surplus books from KCLS. In addition, the KCLS Foundation had contributed more than \$1,000,000 to the KCLS so far in 2004 for the Libraries operations and capital needs, and other programs.
- 4.28 Ms. Thorsen stated that since the passage of Initiative 747, the Foundation has been forced to become more involved in fund raising for library programs that were previously paid for by the KCLS. Due to those cut backs, the Foundation's funding of these programs has become one of its primary efforts.
- 4.29 Ms. Thorsen stated the Foundation staff salaries, benefits, office, and overhead costs to operate are all provided and paid for by the KCLS, and are located on KCLS property. This amount represents a small percentage of the overall funds raised by the KCLS Foundation. She stated the Foundation has three different bank accounts, although the accounts are treated as one for reporting purposes. Those accounts include: 1) "Regular or General" account; 2) Capital Projects Account; and 3) Investment Account.
- 4.30 Ms. Thorsen stated the "Regular or General" account is the Foundation's primary account. The funds received into this account include proceeds from the KCLS book sales, funds received from Foundation direct mail

solicitations produced and distributed several times a year by the Foundation (up to seven), grant monies received (both restricted and unrestricted), and other funds. She stated the Foundation funds used to make the contributions were from the regular account, and that the funds used to make the contributions were not treated special or any differently from any other disbursement made by the Foundation.

4.31 She stated the contributions made by the Foundation to the PFL had not been segregated into a separate account and did not receive any special bookkeeping or accounting treatment. The Foundation did not separately track the proceeds of the funds derived from the book sales or differentiate them from other funds received from direct mail solicitations, grants or other sources.

4.32 The PDC staff review of the PDC contributor database disclosed the Foundation made a total of four contributions to PFL totaling \$53,500 during 2004. Staff discussed with Ms. Thorsen the following contributions as listed in the database printout from the Foundation to the PFL:

• January 26, 2004:	\$ 15,000;
• July 29, 2004:	\$ 10,000;
• August 17, 2004:	\$ 25,000;
• September 16, 2004:	<u>\$ 3,500.</u>
Total	\$ 53,500

4.33 Ms. Thorsen stated she thought the contributions to the bond campaign from the Foundation were somewhere around \$33,500. She stated that while the \$15,000 contribution from the Foundation was reported as being received by PFL in January of 2004, she thought the contribution had been made in December of 2003 and not specifically for the 2004 bond measure. She stated the Foundation had made \$38,500 in contributions to PFL for the bond measure, but that the Foundation had recently received a refund of leftover funds of about \$5,100.

4.34 The PFL filed a final Summary, Full Report Receipt and Expenditures (PDC Form C-4) on November 10, 2004. The C-4 report disclosed that PFL received \$130,418.66 and made expenditures totaling \$130,418.66. The \$33,500 in contributions made from the Foundation would have represented 25.7% of the total contributions received by PFL. If the \$15,000 contribution was added into the mix, the \$48,400 in contributions made from the Foundation would have represented 37.1% of the total contributions received by PFL.

- 4.35 Ms. Thorsen stated the Foundation also had a Capital Projects Fund in 2004. She said the Foundation conducted major fund raising efforts in 2004 for the Capital Projects Fund to pay for the construction of a new library located within Westfield Shopping Center at Southcenter called "Library Connection at Southcenter Mall." She stated the Capital Project Fund received the majority of its contributions from fund raising efforts, and some from grants, but no KCLS books sales proceeds were transferred into this account. She further stated this account will not receive any additional funds from solicitations, although it may receive funds that had previously been pledged, and will likely close some time in 2005.
- 4.36 Ms. Thorsen also stated the Foundation had an Investment Account in 2004 that was used for gifts or bequeaths of cash, stock and/or other items the Foundation received from both individuals and organizations in the form of stock and other property. For example, the Foundation received some Microsoft stock a number of years ago, and some of the shares are periodically sold and funds are deposited into the Investment Account.

Allegation #4: KCLS wrongfully exploited the prestige of the state's judiciary to boot-strap credibility for all of its pivotal misstatements on which its disinformation program relied.

- 4.37 The KCLS is made up of five Board of Trustee members, of which two are elected King County Superior Court Judges, Judge Richard Eadie and Judge LeRoy McCullough. The title "Judge" is listed in publications and on library letterhead produced and distributed by KCLS. It has been the practice of PDC staff to allow the use of an elected official's title in publications produced by a governmental agency without considering it a violation of RCW 42.17.130. The response from Bill Ptacek stated the following:

"All members of the KCLS Board of Trustees, including the two members who are judges, participated in community meetings and other outreach activities designed to inform the public of the Library's operational and maintenance needs."

- 4.38 Mr. Ptacek stated that any public statements about the KCLS Bond measure made by Judges Eadie and McCullough were made in their capacity as members of the KCLS Board. He said statements made with

regard to the bond efforts had nothing to do with their role as a member of the judiciary, and were “factual and objective” in nature.”

- 4.39 Mr. Ptacek stated that Judge Richard Eadie serves as Chair of the KCLS Board of Trustees, and that his efforts in placing the bond on the 2004 Primary Election Ballot were consistent with his role as Chair, and was not based on his status as a King County Superior Court Judge. In addition, Mr. Ptacek explained that Judge Eadie’s participation and involvement with the 2004 Bond Measure was no different than the leadership role of former KCLS Board Chair Tobias Washington during the 2002 Library Choice Community Outreach effort. He stated that previous KCLS Board of Trustee members had been incumbent judges, including Judge Storey Birdseye who served on the KCLS board from 1952-1970.
- 4.40 Mr. Ptacek said KCLS legal counsel advised that: “his [Judge Eadie’s] appointment would not conflict with his obligations under Washington’s Code of Judicial Ethics, in particular Cannon 5, which pertains to judge’s participation in civic and charitable activities.”

Facts Regarding PDC Staff Review of Normal and Regular Practices of KCLS

- 4.41 PDC staff reviewed the KCLS website and noted a variety of activities engaged in by the KCLS leading up to the September 14, 2004 Bond election. PDC staff requested additional information from KCLS regarding its activities undertaken for other public information efforts and community outreach going back several years. This was done to allow a comparison of the community outreach efforts for the 2004 election with the community outreach efforts for other elections, major policy issues, and specific projects, programs and initiatives undertaken by the KCLS. KCLS submitted a 13-page electronic response on December 23, 2004, along with the 236-pages of exhibits in response to staff’s request for information. **See Exhibit #10.**
- 4.42 PDC Interpretation #00-05, “Guidelines for Local Government Agencies, Including School Districts, in Election Campaigns” which was approved by the Commission on September 26, 2000, and listed as Exhibit #3 in this report was referred to a number of times by Mr. Ptacek in his responses and during his interview. PDC staff has identified a number of areas in the Guidelines that are being highlighted in this Report of Investigation. The following information under the Basic Principles section are being highlighted:

- #3 states in part the following: "...the Commission contends that local agencies have a responsibility, and hence the authority, to communicate with the public about the operation of the agency or jurisdiction;"
- #5 states the following: "Supervisory personnel have a duty to know, apply and communicate to their staff, the difference between acceptable information activities and inappropriate activities that support or oppose a ballot measure;" and
- #7 states in part the following: "...The PDC has, over the years, developed methods of considering and analyzing activities engaged in by local government offices and agencies. Among the factors considered are the normal conduct of the office or agency and the timing of activities as compared with ballot measure elections.

The following "Answers to frequently asked questions" are included:

- **Question #1** asks about a local agency publishing a brochure outlining the anticipated impact of a proposed ballot measure. **Answer:** "The Commission has operated under the presumption that local agencies have a responsibility to communicate with the public about the operation of the agency or jurisdiction. Local agencies can make an objective, balanced, accurate and fair presentation of facts relevant to a ballot proposition. Local agencies may generally publish a "fair presentation of facts" relevant to an election matter, however the determination of the propriety of the public expenditure depends upon a careful consideration of such factors as the style, tenor and timing of the publication; no hard and fast rule governs every case.

Be careful that photos or graphics used in the fact sheet do not advocate support or opposition of a ballot measure. A growing number of glossy sales pieces are being put out by public entities. They may be factual, but they look very much like promotional material designed to influence the election. The public perception is that they are campaign literature. Such pieces do as much, or more, damage to public goodwill and confidence than a finding of a violation of law by the Commission."

- **Question #2** asks how a local agency is able to distribute factual information about a ballot measure. **Answer:** "A local agency may distribute factual information to all citizens within its jurisdiction. Each agency can determine the best way to distribute information to the public without targeting individuals or use of marketing techniques that promote or oppose the ballot measure."

- **Question #14** asks if factual information published by an agency about a ballot measure can be posted on the local agencies web page. **Answer:** “Yes. The fact sheet in its entirety may be posted on the agency’s web page.”
- **Question #18** asks if an agency staff or board members may make presentations to service clubs, neighborhood groups, and other community groups explaining a ballot measure. **Answer:** “Yes, if requested by a group or organization to present factual information about a ballot measure including its anticipated impact on the community....The use of public facilities in arranging or conducting speaking engagements to discuss the merits of a ballot measure would be prohibited.”

2004 KCLS Bond Measure

Community Outreach/Communication Plan

4.43 Mr. Ptacek stated that KCLS developed a community outreach plan with regard to its public information initiatives going back many years. He said it was consistent for KCLS to do so for the 2004 Bond Measure. He stated that it was part of the “normal and regular” conduct as an agency, and that for the 2004 Bond Measure, the community outreach plan served as a strategic planning tool in directing the message, providing information, communicating with patrons and other community outreach efforts. He went on to state the outreach plan addressed three different strategies and groups for the KCLS to distribute information to:

- Information related to KCLS staff;
- Information to the neighborhoods and communities;
- Information to the media.

4.44 With the communication plan being a multi-year effort, Mr. Ptacek stated that for calendar year 2005 KCLS will continue to use the outreach plan to assist them with their budget process. KCLS is planning to continue communicating information to the three groups listed above with regard to progress reports for its capital projects, including construction costs to build and maintain library facilities, and the issuance of the voter-approved bonds to pay for those projects.

Visits to community groups:

- 4.45 Mr. Ptacek stated in his December 29, 2004, response that KCLS was established in 1942 to serve residents of unincorporated King County, and that over the years, many towns and cities within King County have incorporated within the KCLS service area. He went on to state the following:

“Since those earliest days, community outreach has been a normal and customary part of KCLS’ mission to inform and serve all people, and to be at the heart of the communities we serve. To fully explain the options for library services, outreach to the public has been an essential and consistent part of our responsibility to the community: to inform media, schools, Friends groups, local community groups, service organizations and local businesses. Citizens of 33 cities have voted to annex to the King County Library System, and based their choices on factual information. In addition to the customary public information KCLS provides for all library programs, services and events, additional outreach has been customary for library openings, annexations and special issues. “

- 4.46 Mr. Ptacek stated in his response that KCLS had undertaken community outreach efforts for several years by visiting or participating in community meetings, and events involving a number of organizations to communicate with constituents about KCLS major policy issues, specific projects or programs and initiatives. He said KCLS visited a large number of community groups in 2004 “to provide factual information regarding the September 2004 bond measure.” He provided PDC staff with electronic copies of his Monthly Director’s Reports that had been submitted to the KCLS Board of Trustees covering the period of January 2000-December 2004. The July, 2004 Director’s Report from Mr. Ptacek included information about KCLS outreach efforts and stated the following (**See Exhibit #11**):

“KCLS administration has also been proactive about taking the bond message beyond the library to community groups such as Rotary and Kiwanis as well as city and business groups. At this point 140 presentations have been or are scheduled to be made, including 26 city council meetings, 10 school board meetings and 8 chambers of commerce. To date, three of these Chambers endorsed the bond.”

- 4.47 As part of their December 16, 2004 response, KCLS provided a listing of 153 events or meetings that KCLS staff had participated in covering the period of February-September of 2004. Mr. Ptacek stated that at some of the events, KCLS staff initiated the calls to participate, and for some the calls were initiated by the organizations. In at least 7 of the 153 events or meetings listed the Facilitator(s) were not KCLS staff, but instead private library associations, guilds and friends of the library groups that made the presentations or distributed the information. Those included Carnation Friends of the Library (3), Kenmore Library Association (2), Friends of the Covington Library (1), and the White Center Library Guild (1).
- 4.48 A portion of the community events that KCLS attended and participated in regarding the 2004 Bond Measure are summarized as follows:

Type of Organization/Entity	Number of visits
Senior Centers/Retirement Homes	16
Chambers of Commerce meetings	15
Rotary Meeting	11
Kiwanis Meetings	8
School/School Staff related	7
Local Community Parades	7
PTA-related meetings	5
Lions Club meetings	4

- 4.49 A Library Public Information Activity Matrix was provided by the KCLS, and indicated that KCLS had previously undertaken community outreach efforts to provide information about KCLS major policy issues such as library cards, summer reading programs, library choices, and bond elections going back to calendar year 2000. Those activities included visits to and/or participating in, community meetings and events, distributing KCLS information, and communicating with library patrons.
- 4.50 Ms. Wallace stated that Friends of the Library (FOL) groups exist in communities serving the majority of the KCLS library system. KCLS staff and associate library directors regularly meet with representatives of the FOL, and are frequently involved in their activities. There are also library advisory boards in place in a number of King County communities that have a direct connection to the local city councils. She stated that KCLS staff was involved with many library advisory boards, as well as city councils, and said those organizations have an ongoing relationship with KCLS. They coordinate and co-sponsor community events, and post information about events that are happening each and every month. Ms. Wallace stated that some job classifications for KCLS staff positions include significant outreach efforts.

- 4.51 Ms. Wallace could not quantify the community outreach efforts for years prior to 2004, but said the number was roughly the same as it was in 2004. Mr. Ptacek and Ms. Wallace both stated during their interviews that they felt KCLS staff made a comparable number of visits and presentations to community groups or provided information, for the 2003 Bond Election, and the 2002 Library Choices Initiative as they did in 2004.
- 4.52 During the interviews under oath, PDC staff requested that Mr. Ptacek and KCLS provide a summary of the number of visits undertaken in the years before 2004. Mr. Ptacek provided that information by electronic message on December 29, 2004, and stated that the community visits made by KCLS staff in 2004 were consistent with the number of visits in the years 2001 through 2003. He further stated that the 2004 visits were actually less than the number of visits in 2003, and as an example, provided information for a single month in calendar year 2003. **See Exhibit #12.** The information indicated that in one month for 2003, KCLS administrative staff (KCLS Director, KCLS Associate Directors, and KCLS Managers) averaged: 1) 20 visits and contacts with school administrators; 2) 48 visits, meetings and contacts with local cities and governmental agencies; and 3) 30 meetings with other organizations and Boards. Mr. Ptacek provided the following information for 2003:
- 4.53 Three KCLS libraries in South East King County, Covington, Maple Valley, and Black Diamond, had employees that engaged in the following activities for 2003:
- 5 KCLS staff members attended an average of 10 Black Diamond/Maple Valley and Covington Chamber meetings;
 - 6 KCLS staff members attended monthly community group meetings such as the Maple Valley Service Group Committee, Children's Home Society Board of South King County, Kiwanis, etc. (average of 60 per year);
 - 60+ visits were made by children's librarians to the schools;
 - Teen librarians made a total of 15 visits;
 - An average of 15 staff participated in the Black Diamond, Covington and Maple Valley parades;
 - Conducted monthly Story Times at the Maple Valley Park and Recreation department;
 - The Cities of Maple Valley, Black Diamond and Covington list library programs, services and happenings on a monthly basis.
- 4.54 KCLS staff at the Bellevue Regional Library in 2003 made a total of 134 visits that included the following:

- Children's librarians made 98 visits to schools;
- There were 36 visits and presentations made by the Managing Librarian and other staff to the Bellevue Chamber of Commerce, Bellevue Downtown Association, Bellevue Rotary, Eastside Heritage Center, etc...

4.55 KCLS provided an 8-page electronic response on January 3, 2005, that included a June 1994 KCLS Public Service Policy regarding maintaining a community liaison. It also discussed community outreach efforts and the need to participate in community activities. **See Exhibit #13.** The policy went on to state the following:

"To assist libraries in developing community connections, King County Library System will pay membership fees or dues for one community organization per location. Examples are Chamber of Commerce, Merchant's Association, and service clubs. Attendance at regular meetings of these organizations will be considered work time."

- 4.56 The policy listed other options that included participating in some of the following activities: 1) participating in community festivals; 2) attending or making presentations at city council, homeowners association, and community group meetings; 3) distributing program flyers and posters; and 4) encouraging staff who live in the area to participate in community events. The KCLS also provided as a part of the January 5, 2005, documents, 2-spreadsheets, one each for calendar year 2002 and 2003. **See Exhibit #14.** The spreadsheets listed payments that had been made by KCLS during 2002 and 2003 to a number of different community organizations for membership fees and dues, trade shows, and job fairs.
- 4.57 For calendar year 2002, the first spreadsheet listed at least 35 payments made by KCLS totaling \$5,921.30, and covered the period December 26, 2001-December 20, 2002. The organizations that received payments from the KCLS included 18-chambers of commerce, 6-service club type organizations, 2 downtown business associations, several other miscellaneous groups, and the Association of Washington Cities.
- 4.58 For calendar year 2003, the second spreadsheet listed at least 37 payments made by KCLS totaling \$24,032.00, and covered the period December 17, 2002-December, 2003. The organizations that received payments from the KCLS included 16-chambers of commerce, 3-service

- club type organizations, 2 downtown business associations, and the Association of Washington Cities. In addition, there were three payments made on January 1, 2003, that were of a much larger amount than was made for 2002, and those included the following: 1) Washington Library Association \$9,175; 2) Urban Library Council \$7,000; and 3) American Library Association \$1,560.
- 4.59 The May, 2004 Director's Report from Mr. Ptacek included information about KCLS participating in parades as part of the "Library on Parade" outreach effort. He stated that libraries participate in local community parades each summer. For the parades, the KCLS created kits for library staff to checkout and use in the parades. The "Library on Parade" kits contained a large parade banner, hand-held signs for staff to carry that promote the resources of the library system, and noisemakers.
- 4.60 PDC staff selected a number of community based organizations to contact to confirm information that was provided by KCLS regarding staff that made presentations or distributed information as part of the community outreach efforts for the 2004 Bond Measure. Those groups and organizations included PTA organizations, community council groups, local Chambers of Commerce, Rotary, Kiwanis and Lions club events and other community activities or events.
- 4.61 PDC staff contacted those organizations or groups in an attempt to confirm that a presentation had been made, determine what information had been distributed, and the nature of the information provided. In addition, staff also attempted to confirm whether or not this was the first year of involvement with the KCLS or if these activities had been undertaken in prior years, and whether the information provided was a fair and objective presentation of the facts.
- 4.62 A number of the organizations contacted did not recall a presentation being made by KCLS staff about the bond measure, and they did not recall whether the KCLS may have distributed information about the bond measure. Staff received responses from six organizations. Of those, three Chamber of Commerce organizations were able to confirm that a presentation had been made, a question and answer session had been conducted, and/or information had been distributed about the 2004 Bond Measure. All three stated that the information or presentation was factual in nature, and was neutral with regard to supporting or opposing the bond measure.

Visits to other jurisdictions including city councils and school boards:

- 4.63 Mr. Ptacek stated in his response that KCLS had undertaken community outreach efforts by visiting other governmental jurisdictions and agencies, including cities and school districts to communicate about major policy issues affecting the KCLS. He stated that KCLS had been undertaking community outreach efforts and partnering with school districts and other governmental jurisdictions and agencies since he was hired in 1989. He stated that long ago, one of the primary roles of the KCLS was to provide services to schools and students, and this was an important part of the library's mission in the community. He further stated that going back to the mid 1990's, KCLS identified ways to reach out to the schools, create partnerships with them, and provide information about the services offered by KCLS.
- 4.64 Mr. Ptacek stated that historically most school district libraries are not well funded, and have limited resources and space. He said students need the public libraries, and the public expects KCLS libraries to be a part of a child's learning experiences. KCLS adopted a multi faceted approach to inform the school districts and parents what services are available to the children and community.
- 4.65 Mr. Ptacek stated that about a third to 40% of his time is spent communicating with government agencies such as school districts and cities, building relationships, attending meetings, making presentations and providing information about the KCLS. He stated that since he began his position as Director, he has always reported on a monthly basis to the board about those activities, which he said constituted about one third of the Director's Report.
- 4.66 Ms. Wallace stated that KCLS staff visits to school districts and other governmental agencies have always been a part of their outreach efforts, dating back to at least 2000 when she was hired. She said KCLS staff members provide community outreach efforts to 18 school districts, including local library employees making visits to numerous elementary schools, junior high schools, and high schools in each district. She stated that librarians regularly visit with students in classrooms, school libraries and school assemblies. She also stated that KCLS librarians work closely with teachers, parents, PTA and PTO organizations, and other groups associated with schools.
- 4.67 Ms. Wallace stated that she does not believe the number of visits to school districts and other jurisdictions have increased since she was hired as Community Relations Manager in 2000. She said before she began

working for the KCLS, the KCLS Board of Trustees approved an initiative to work with school districts and schools in support of kid's education.

- 4.68 KCLS visited 25 City Councils covering the period of April 12-September 7, 2004, and 12 School Boards covering the period of July 20-September 8, 2004 "to provide factual information regarding the September 2004 bond measure." The Library Public Information Activity Matrix provided by the KCLS indicated that KCLS staff and board members visited other governmental agencies going back to calendar year 2000. A summary of those outreach efforts was provided by KCLS at the request of PDC staff, and is summarized for the following years:

	Visits by KCLS staff to Schools	Visits by Bill Ptacek to Schools	Visits by Bill Ptacek & KCLS Staff to Cities	Visits by KCLS staff & Board to Cities
2000 Library Card	Not available	11	6	Not available
2001 Visits	Not available	4	9	Not available
2002 Levy Lid Lift	Not available	Not available	3	Not available
2002 Library Choices	9	Not available	9	Not available
2003 Bond Election	Not available	Not available	3	Not available
Other 2003 Visits	Not available	Not available	8	Not available
2004 Bond Election	7	5	20	5
Other 2004 Visits	Not available	3	11	Not available

- 4.69 Mr. Ptacek stated that for some of the visits to city councils, mayors, and other city employees, or to school boards and school district employees, KCLS staff initiated the calls to participate in the activity or event, while others were initiated by the jurisdictions. He also stated that during these visits, KCLS staff and board members provided the attendees of the city council and school board meetings with the KCLS bond election brochure, showed the KCLS bond video and responded to questions about the bond measure.

Consultants:

- 4.70 Mr. Ptacek stated in the response that for many years KCLS has customarily hired a communications consultant to assist with public information initiatives. He said this was the case for the 2004 Bond election. He stated that since he has been involved with KCLS, the library district has been working with consultants that bring different knowledge

and expertise into the mix. He further stated that the focus of the majority of the consulting work and services provided was to identify the interest and needs of library patrons and the neighboring communities, communicate the purpose of the library, and develop strategies that make people feel connected to KCLS and insure that the KCLS is relevant to the people served.

- 4.71 Ms. Wallace said KCLS retained the services of the Metropolitan Group to assist with its communication efforts for the 2004 bond election. She stated the Metropolitan Group assisted KCLS in developing the messages for the print materials. She said the messages were based on the facts for the bond measure, and in part, from feedback that was received from library patrons and other user groups.

Videotape production:

- 4.72 The Library Public Information Activity Matrix provided by the KCLS indicated KCLS produced videotapes for the 2002 Library Choices Campaign, and for the 2003 and 2004 KCLS Bond Elections. Mr. Ptacek stated KCLS has in the past produced and used videotapes to “help convey the major themes of a public information initiative.”
- 4.73 He stated that libraries, including the KCLS, have always made video or slide presentations to library patrons and other library user groups about library resources and services. Mr. Ptacek cited a slideshow from the 1980’s that had been funded by the American Library Association which provided information about libraries and discussed the importance of libraries. That slideshow was used as a general information piece by many local library systems around the nation.
- 4.74 Mr. Ptacek stated that KCLS had a lot of information to provide to library patrons and user groups with regard to the bond measure. He said the videotape was one of the many ways KCLS communicated information about the 2004 bond measure. He said the videotape for 2004 was consistent with how KCLS had disseminated information via videotape about prior public information initiatives to library patrons. The videotape was part of KCLS efforts to provide information about the 2004 bond measure costs and impacts. The information contained in the videotape was used for KCLS staff training, for meetings and presentations to school districts, friends of the library groups, and other community groups and organizations.

- 4.75 Ms. Wallace stated that KCLS has a huge library of film footage, and said a great deal of the content for the videotape came from existing KCLS footage. She said that the KCLS Foundation also produced videos about the library system and they also have some film footage. She said the information included in the videotape was consistent with other information produced and distributed by KCLS about Proposition 1. She said there was no script for the videotape, and the information about Proposition 1 already existed in the print brochures, and that information was the primary text selected for the videotape.

Costs for the videotape:

KCLS provided staff with information about the costs to produce the videotape that included the following:

All Production Costs:	\$11,500
Copying Video Costs (75):	<u>300</u>
Total Costs	\$11,800

- 4.76 PDC staff reviewed a copy of the KCLS videotape, and that information included the following:

- Provided information about the services and resources of the KCLS;
- There were a number of “positive testimonials” included in the videotape from library patrons and users;
- Discussed briefly the community outreach program for 2003 and 2004;
- The costs of the bond measure were briefly mentioned. The videotape did not reference the cost more than once to balance the information about what the bond measure would provide, such as more books, computers and space;
- No cost per \$1,000 of assessed value was provided;
- The videotape referred to “replacement costs” and stated the total costs of the bonds will not exceed \$25, but then diminished the amount per year by stating “about \$25.00, less than the price of a new book;
- The videotape stated that the library system “provides taxpayers with an excellent return on investment”;

- The videotape stated if the bond measure is not approved, the funds will come out of the operating budget which will severely impact KCLS staffing and services;
- The videotape did not include that the bonds issued would total \$172 million, or that residents would be paying for the bonds for 20 years.

Visits to Editorial Boards:

- 4.77 Mr. Ptacek stated that visits between the KCLS and local newspaper editorial boards had occurred since he was hired as Director of the KCLS in 1989. He stated that editorial visits had been in place for a number of years prior to his being hired. He stated that KCLS continues to meet with many editorial boards on an on-going basis regarding many different library programs and events regardless of whether KCLS has a measure on the ballot.
- 4.78 In addition, Mr. Ptacek stated that the editorial board process has changed over the years and that now KCLS is invited rather than having to initiate the contacts. He stated that KCLS staff and Board of Trustee members visited three local newspaper editorial boards during the 2004 bond measure. He stated that the editorial boards were given the same printed materials and other information that KCLS had gave to the general public during presentations and meetings. Mr. Ptacek further stated that two of the editorial boards requested the visit by KCLS, and that KCLS commonly meets with editorial boards to provide information in connection with its public outreach efforts. The three editorial board visits in 2004 with regard to the Bond Measure consisted of the following:
- August 12, 2004: King County Journal: Bill Ptacek, KCLS Director and Judge Richard Eadie, KCLS Board Chair;
 - August 19, 2004: The Seattle Times: Mr. Ptacek, Judge Eadie, Julie Wallace, KCLS Community Relations Manager representing the KCLS, and Kari Glover and Mark Berry, volunteers for the People for Libraries Campaign;
 - August 23, 2004: The Seattle Post-Intelligencer: Ms. Wallace participated via telephone conference.

4.79 The Library Public Information Activity Matrix provided by the KCLS indicated that KCLS staff and board members had visited editorial boards going back to calendar year 2000. In addition, in their December 26, 2004 response, the KCLS provided a detailed listing of the editorial board visits and/or articles written for each year going back to 2000. That information is summarized in the chart below with a brief description of the issue as follows:

	Editorial Visits/Articles	Description of Editorial Board Visits/Articles
2000 Library Card	1	Start of library card campaign (Harry Potter)
Other 2000 Visits	3	Opening of a new library, summer reading programs, and increasing library services to Spanish speaking patrons.
2001 Visits	1	Reminding parents to keep track of their kids in the libraries and other public places.
2002 Levy Lid Lift	5	2002 Maintenance and Operations Levy
Other 2002 Visits	2	Local library and law enforcement officials issue regarding search warrants for child pornography files allegedly downloaded by a library patron.
2003 Bond Election	4	2003 King County Proposition #1
Other 2003 Visits	1	Libraries installing "porn" filters on computers that are accessible to the public.
2004 Bond Election	8	2004 King County Proposition #1
Other 2004 Visits	0	0

**KCLS Materials produced and distributed concerning
the September 14, 2004, Bond Election**

KCLS Publications including Brochures and Postcards:

4.80 Ms. Wallace stated that KCLS hired a consulting firm, the Metropolitan Group, to help develop messages for the print materials. The messages were based in part on the feedback received from library patrons and stakeholders. She said KCLS had an internal planning group that reviewed and worked on the content and messages for the print pieces. One of the goals of the planning groups was to ensure consistency of the content in all of the materials for the 2004 Bond Election. KCLS provided a copy of the costs for all the materials produced and distributed for the 2004 Bond Measure. **See Exhibit #15.** The materials distributed for the 2004 bond measure and reviewed for this investigation included the following:

- Tri-fold brochure that was included in information racks at the libraries;
- Postcard that was mailed to all households and provided in libraries in six foreign languages;
- Bookmarks;
- Stickers;
- Mouse pad inserts;
- Banners & posters;
- Book bags;
- Website information;
- KCLS explanatory statement in the 2004 King County Primary Election Voters Pamphlet.

PDC staff prepared a summary of the costs for the materials produced and distributed by KCLS for the 2004 Bond Measure that totaled \$113,933. **See Exhibit #16.**

- 4.81 Some of the photographs that were included in the printed material were from the KCLS stock photography library, since they have an in-house print shop at the library system. The KCLS has an extensive photo library, and many of its photographs are frequently used for printed materials, calendars, and posters, or to highlight a specific library event.
- 4.82 Ms. Wallace stated they did not select photographs for the postcard that might resonate with a particular group, and that some of the photographs had been used in other publications. She said the postcard went before the internal committee that developed the materials, and the administrative planning team also reviewed it. The KCLS Board of Trustees also saw the postcard before it was sent out. All materials produced by KCLS for the 2004 Bond Measure were routed past the internal committee for review. She stated that the review allowed for suggestions or edits to be made to the materials, although she could not recall if any changes were made, and that once the materials had passed through the process, they were then produced and distributed.

KCLS Library Bond tri fold brochure:

- 4.83 Ms. Wallace stated the tri fold brochure was placed in the areas in the library where information is typically provided, which was in the brochure holders next to other brochures and publications that are provided by KCLS. The 2004 Bond Election tri fold brochure was also distributed at some of the presentations to school districts, city councils and other city groups, community groups, and also handed out at other events.

4.84 Ms. Wallace said KCLS provided information in its 2004 brochures that was consistent with the information contained in past brochures. She stated that the KCLS produced 75,000 tri-fold brochures for the 2004 Bond Measure. **See Exhibit #17.** She stated that KCLS typically produces a similar number of brochures for its larger public information efforts. KCLS produces approximately 70,000 brochures annually for its Summer Reading Program. The 2004 tri-fold brochure was made of six panels and included the following information:

- KCLS logo and statement: "Library Election September 14, 2004" with six photographs of library patrons covering the first panel along with the library slogan "Turn to us. The choices will surprise you."
- The second panel of the brochure began "Dear Library Patron" and included information and feedback they received about the Library Choices in 2002 and 2003. Some of the statements appeared to be more the opinions of the patrons rather than KCLS facts such as "...the Library System plays an important role in the lives...", "...you value the educational resources we provide", and "...you told us you rely on KCLS as a key resource..."
- The third panel briefly discussed the bond stating, "Based on what you told us, and the coming expiration of the capital bonds provided through the 1988 bonds, the Library System Board voted unanimously to place a \$172 million capital replacement bond measure on the September 14, 2004 ballot." The information contained the names of the 5 KCLS Board of Trustees, after the recipient was told, "We're listening."
- A portion of panel three and the majority of the fourth panel show a map of the King County/Puget Sound region. The map contains five different "legends" that are located in the various cities that have a KCLS regional library. The 5-legends include: 1) Replace & Expand; 2) Expand; 3) Upkeep; 4) Parking Expansion; and 5) New.
- The fifth panel is entitled "Meeting Community Needs." The fourth paragraph states, "If passed by voters, the \$172 million capital replacement bond measure on the September 14, 2004 ballot will replace the expiring 1988 bond revenue and provide funding for the library's 10-year capital budget." The fifth paragraph states "This replacement bond would cost each household less than the bond currently in place--an average of \$25 per year, or the cost of one book. The bond must be approved by 60 percent of voters in order to pass." The cost information also included a statement that the \$25

per year estimate is based on \$.08 per \$1,000 of assessed value of a \$300,000 home. (NOTE-whenver the statement “an average of \$25 per year is used”, an asterisk was inserted to reference those costs in all materials produced and distributed, except for the poster)

- The sixth panel is entitled “Did You Know?” and provides the reader with information about the services provided by KCLS, along with the slogan “Turn to us. The choices will surprise you.”

Costs for 2004 tri fold brochure:

KCLS provided staff with information about the layout, design, and printing for the 75,000 tri-fold brochures, and stated the total cost was \$4,488.

KCLS Library Bond Postcard:

4.85 A postcard was produced by the KCLS and mailed to all households within the KCLS service area. A total of 532,582 households were provided with the postcard information about the September 14, 2004 Bond Measure. **See Exhibit #18.** The KCLS also produced and distributed a postcard that was mailed to all households in 2002 as part of the Library Choices Initiative. In addition, Ms. Wallace stated KCLS printed and made available at libraries about 250 copies per library of the postcard translated into Spanish, Russian, Korean, Vietnamese, and Somali (KCLS standard translations). KCLS produced and distributed a postcard that was mailed to all households in 2001 as part of the Internet Choice outreach effort. The 2004 Bond Election postcard included the following information:

- KCLS logo and statement: “Library Election September 14, 2004” with four photographs of library patrons covering the front side of the postcard along with the return address and postal indicia.
- The other side of the postcard has a photograph of a child reading a book followed by the statement “Library Election September 14, 2004.” The first paragraph stated that KCLS has been community funded for more than 60 years, and went on to state: “But our current bond measure will soon expire. To meet community needs, maintain a strong Library System and plan appropriate facilities for the next decade, replacement funding is essential.”
- The second paragraph states, “If passed by voters, the \$172 million capital replacement bond measure on the September 14, 2004 ballot

will replace the expiring 1988 bond revenue and provide funding for the library's 10-year capital budget."

- The third paragraph states, "This replacement bond would cost each household less than the bond currently in place--an average of \$25 per year, or the cost of one book. The bond must be approved by 60 percent of voters in order to pass."

- 4.86 The postcard did not include information or state how long KCLS residents would be paying for the 2004 bond measure, which was up to 20 years.

Costs for 2004 Postcard:

KCLS provided staff with information about the costs for the layout, design, printing and postage of the postcard mailing that included the following:

Printing, Production & Mail Preparations Costs:	\$20,964
Translated Copies for Library Distribution:	\$ 250
Translation Costs:	\$ 615
Postage Costs:	<u>36,748</u>
Total Costs	\$58,577

KCLS Bookmarks:

- 4.87 Mr. Ptacek stated that bookmarks have always been a part of the outreach efforts of the KCLS, and represents another way to provide information about the library system to patrons. He stated bookmarks have been regularly produced and distributed by KCLS, and are one of the best ways a library communicates with library patrons and users. He said people expect libraries to make bookmarks available to them, and said KCLS has always included information about library events or happenings on bookmarks. He said handing out bookmarks is a standard practice for the KCLS, and is part of its normal and regular conduct.
- 4.88 Ms. Wallace stated during her interview that in a year's time KCLS produces and distributes approximately 30 to 50 different types of bookmarks. She stated that the bookmarks are sent out to regional libraries to inform patrons about upcoming programs and activities or to provide them with general library information. She said there is a constant influx of new bookmarks at KCLS, and at the time the 2004 Bond Measure bookmarks were distributed, the KCLS produced and distributed a number of other bookmarks that did not mention the election.

- 4.89 Ms. Wallace stated that for the 2004 Bond Election, KCLS produced 3-different versions of bookmarks, and printed 20,000 of each version, with an additional 20,000 printed of version 3, for a total of 80,000. **See Exhibit #19.** She stated that KCLS generally prints about 60,000 bookmarks for any given public information initiative such as the 2000 Library Card Campaign, the 2002 Library Choices Initiative, the Summer Reading Program and numerous other activities.
- 4.90 The 3-different versions of the 2004 KCLS Bond election bookmarks were 9" by 2 1/2" in dimensions, provided new information under the first two bulleted items under the "Did you Know" heading, with the same information about the bond election under the third bullet.

Bookmark Version #1 included the following:

- KCLS logo and statement: "Library Election September 14, 2004" with four photographs of library patrons, mostly children, covering the front of the bookmark;
- Under the "Did You Know" heading of the bookmark there were three bulleted items with the first bullet stating that KCLS serves 230,000 students in more than 438 public and private schools. The second bullet informs recipients that KCLS provides homework assistance, tutoring and other programs to students;
- The third bullet contained the statements, "A \$172 million capital replacement bond measure will be on the ballot September 14, 2004. This bond will cost each household less than the bond it will replace-an average of \$25 per year, or the cost of one book. The bond must be approved by 60 percent of voters in order to pass."

Bookmark Version #2 included the following:

- KCLS logo and statement: "Library Election September 14, 2004" with four photographs of library patrons, mostly seniors, covering the front of the bookmark;
- Under the "Did You Know" heading of the bookmark there were three bulleted items with the first bullet stating that overall KCLS library usage increased 40% in the last ten years. The second bullet informs recipients that "KCLS meets the needs of the home-bound and seniors through the Traveling Library Center;"
- The third bullet contained the statements, "A \$172 million capital replacement bond measure will be on the ballot September 14, 2004. This bond will cost each household less than the bond it will replace-an average of \$25 per year, or the cost of one book. The bond must be approved by 60 percent of voters in order to pass."

Bookmark Version #3 included the following:

- KCLS logo and statement: “Library Election September 14, 2004” with four photographs of library patrons, mostly young adults, covering the front of the bookmark;
- Under the “Did You Know” heading of the bookmark there were three bulleted items with the first bullet stating that the KCLS library “offers free career and employment resources for job seekers.” The second bullet informs recipients that “KCLS provides access to technology resources—computer workstations, wireless and Internet access;”
- The third bullet contained the statements, “A \$172 million capital replacement bond measure will be on the ballot September 14, 2004. This bond will cost each household less than the bond it will replace—an average of \$25 per year, or the cost of one book. The bond must be approved by 60 percent of voters in order to pass.”

4.91 PDC staff requested copies of other bookmarks produced and distributed by KCLS that did not contain information about a bond measure or levy to allow a comparison of the information included in the bookmarks. KCLS provided a copy of ten other book marks that they had produced and distributed, and of those, three included a “Did You Know” section. Those three bookmarks were entitled “KCLS Works for Kids”, “E-Books”, and “Internet Access: KCLS gives parents the option to choose filtered access for their child.”

4.92 Of the other seven bookmarks provided by KCLS, three included information about volunteer tutors and were entitled “Need Homework Help? Get in the Study Zone.” The other four were entitled “October 2004, Teen Read Month” that included a list of recommended books for reading, “Checkout” included the “6 Simple Steps” for self-checkout of library materials, “KCLS Databases, Great for homework assignments” that included information about library resources, and “Early Literacy, Help Your Child Get Ready to Read” included information about six of the skills needed by children. None of these bookmarks included a “Did You Know” section.

Costs for 2004 Bookmarks:

KCLS provided staff with information about the costs for layout, design and printing of the 3-versions bookmarks that included the following:

Printing 3-different versions, 20,000 each:	\$3,518
Print additional 20,000 of version 3	<u>\$2,173</u>
Total Costs	\$5,691

KCLS Stickers:

- 4.93 Mr. Ptacek stated that stickers have been used by the KCLS for at least the past 15 years. He stated numerous other library systems around the country have been using stickers as well for years. He said stickers are really popular with kids and always have been, and said the KCLS has used stickers to promote almost every summer reading program for the last fifteen years. The 2000 Library Card campaign had stickers associated with it, and KCLS also used stickers to promote Story Fest, an annual story telling festival and other programs.
- 4.94 Mr. Ptacek further stated that stickers are used to promote numerous other programs and events, and as such, are an integral part of the library. Ms. Wallace stated that KCLS produced a variety of different stickers for 2004, and typically prints anywhere from 1,000-4,000 stickers for various public information efforts. The KCLS produced 2,000 stickers for the 2004 Bond Election, and those stickers included the KCLS logo and website address, and stated: "Library Election September 14, 2004". KCLS also produced 60 "Static Window Stickers" for the bond measure.

Costs for KCLS Stickers:

KCLS produced 2,000 stickers for the 2004 Bond Election. The costs for layout, design, and printing of the stickers totaled \$1,854. KCLS also produced 60 "Static Window Stickers" that totaled \$1,256, for a total cost of \$3,110.

KCLS Mouse Pad Inserts:

- 4.95 Ms. Wallace stated KCLS regularly communicates and provides information to patrons through the use of mouse pad inserts. Mouse pad inserts are a sheet of paper containing information about the libraries that is inserted by lifting the top cover of the mouse pad. She stated mouse pad inserts are printed and distributed to all regional KCLS libraries, and have been for several years. She said it allows KCLS to replace information as needed. The information provided from the mouse pad inserts include KCLS monthly events calendars, Story Fest International, summer reading programs, information about a KCLS ballot proposition, and recent changes to the KCLS computer system.
- 4.96 Ms. Wallace stated KCLS produces and distributes mouse pad inserts as one of several ways to communicate with library patrons, and uses them as part of the "normal and regular" conduct of the KCLS. She said KCLS

produced 2,500 mouse pad inserts for the 2004 Bond Election, enough for one insert per computer workstation. **See Exhibit #20.** She stated KCLS typically produces a similar number of mouse pad inserts for other programs and activities. The mouse pad inserts are about 8" by 6" in dimensions, and for the 2004 KCLS Bond election contained the following:

- KCLS logo and statement: "Library Election September 14, 2004" covering more than a 1/3 of the mouse pad;
- Under the "What" heading, the statement, "\$172 million capital bond to replace the expiring 1988 bond and provide funding for essential maintenance and upkeep for the next ten years."
- The statement, "This is not a new tax."
- Under the "Cost" heading, the statement: "Less than the current bond- an average of \$25 per year."

4.97 The mouse pad inserts also direct patrons to the KCLS website, to posters that are on display in the library, and provides them a telephone number for additional information. Ms. Wallace stated that no mouse pads were produced by KCLS for the 2004 Bond Measure, and the mouse pad inserts were not distributed in any other way, such as being given out in the schools. She said the mouse pad inserts were produced strictly for distribution inside the libraries at computer workstations where computers are accessible to library patrons. KCLS produces a number of different types of mouse pad inserts that regularly replace the information.

4.98 Ms. Wallace stated mouse pad inserts are used to raise awareness about other library programs and are one of several ways KCLS communicates information to library patrons. She said KCLS has users that come to the library just to use the computer, and the mouse pad inserts provide them with library information. She also stated that KCLS will continue to use mouse pads as one more method of providing information to library patrons in 2005 and in the future.

Costs for KCLS Mouse Pad Inserts:

KCLS printed 2,500 mouse pad inserts at a total cost of \$544 for layout, design, and printing.

KCLS Banners and Posters:

4.99 For the 2004 Bond Election, KCLS printed banners and posters that were displayed at numerous libraries and were used at community presentations and events. **See Exhibit #21.** Some posters were

displayed at other community locations. KCLS produced a total of 60 banners and 800 posters for the bond measure that included the following:

- The banner was 96" by 72" in dimension and included the KCLS logo, five photographs of library patrons, and the phrase: "Library Election September 14, 2004;"
- The poster was 18" by 24" in dimension and included the KCLS logo and slogan "Turn to us. The choices will surprise you." It also included six photographs of library patrons, and the phrase: "Library Election September 14, 2004."
- The poster also included a "Did You Know" section that included five bulleted items. The first bullet stated that over 90% of King County residents have a library card; the second bullet stated KCLS serves 230,000 students in more than 438 public and private schools; the third bullet provides information about the 42 regional libraries being open 52-weeks a year; the fourth bullet discusses the KCLS internet and provides the KCLS website address; and the fifth bullet contained information that a bond measure will be on the September 14, 2004 ballot, and the statements: "This bond will cost each household less than the bond it will replace—approximately \$25 per year, or the cost of one book. The bond must be approved by 60 percent of voters in order to pass."
- KCLS printed 75,000 2-sided flyers that were "adhered to the posters" and made available for distribution through the library system. **See Exhibit #22.** There were a number of different versions of the flyer that were printed and distributed by KCLS, and was entitled "What the Replacement Bond Means for Your Library." The flyer included information that was similar to other publications and included phrases such as "...our capital bond will soon expire..." and "replacement funding is needed", and included the statement "If passed by voters, the \$172 million capital replacement bond measure on the September 14, 2004 ballot will replace the expiring 1988 bond revenue and provide funding for the library's 10-year capital budget." The flyer contained cost per household information for a \$200,000 and \$300,000 home, and included information that was geographically targeted about construction and upgrade plans for a library in a specific neighborhood (i.e.-the flyer in this exhibit includes "Plans for Bellevue Regional Library"). The other side of the flyer provided information about what the plan includes for other near-by libraries.

Costs for KCLS Banners and Posters:

The costs for the layout, design, and printing of the 60 banners totaled \$8,194.

The costs for the layout, design, and printing of the 800 posters totaled \$786, plus the layout, design, and printing of the 75,000 flyers that adhered to poster totaled \$4,750, for a total cost of \$5,536.

KCLS Book Bags:

4.100 For the 2004 Bond Election, KCLS printed and distributed book bags for use by library patrons when they check out books or other materials. KCLS stated that 60,000 books bags are the standard quarterly order. The content of the book bag included the following:

- KCLS logo and statement: "Library Election September 14, 2004" with five photographs of library patrons on one side of the bag;
- The other side of the bag contained the library slogan "Turn to us. The choices will surprise you", along with the KCLS logo and website address, and the statement "Please reuse this bag on your next visit to the library."

Costs for KCLS Book Bags:

The costs of the layout, design, and printing of the 60,000 plastic book bags totaled \$15,993.

KCLS Website information:

4.101 Mr. Ptacek stated KCLS received feedback from library patrons and the public as part of the 2002 Library Choices Initiative, indicating that the public expressed a need for more detailed information regarding the need, construction costs and upgrades of facilities, and other potential impacts of any proposed bond measure. The feedback also indicated that the information should be distributed widely. He said the KCLS website is used as one of the primary means of communicating with library patrons and providing them with information about library resources and services.

4.102 Mr. Ptacek stated KCLS has patrons that only come to the library to use the computer, and those users will frequently visit the KCLS web site. He said that some library patrons never come into one of the regional libraries, but instead just use the library's website and are considered by KCLS as "virtual users." He said the KCLS website received about 26

million visits in 2003, and said some users downloaded a large amount of information about library programs, services and resources, including KCLS election-related materials. He said many people may never set foot in a library, but may send their kids in to get books that they reserved online.

4.103 The majority of the printed materials about the 2004 Bond Measure encouraged recipients to visit the KCLS web site at www.kcls.org, as did the KCLS informational video. Mr. Ptacek stated that KCLS provided greater details about the bond measure on the web site, since they were not limited to the space constraints of a postcard or bookmark. He said the information about the 1988 unexpired bonds and the new bonds is a very complex issue to explain to a diverse group of patrons and residents, so KCLS added charts and graphs on the web page to more fully explain the issue.

4.104 PDC staff reviewed the KCLS website for the 2004 Bond Measure information, and was linked to an 9-page document that contained information about KCLS Proposition #1. **See Exhibit #23.** The document contained the KCLS logo and stated in large letters in an enclosed purple box "Library Election September 14, 2004" and included the following categories and/or information:

- Why is a replacement Bond needed?
- Under "How Much Will It Cost", the information stated "It would cost each household an average of \$25* per year, the cost of one book. Based on .08/\$1000 assessed valuation for a \$300,000 home."
- What happens if it does not pass?
- How has the public been involved? KCLS conducted an extensive community involvement and outreach effort, Library Choices, in 2002/03 to identify the priority needs for each community we serve. We heard directly from thousands of you, our library patrons.
- COMMONLY ASKED QUESTIONS - Proposed \$172 Million Bond Measure, the categories included General Questions, Funding Questions, Replacement Bonds, Project-specific Questions, and Other Questions.

4.105 Under the Replacement Bond Section, the term "Replacement Bonds" is explained in more detail by the KCLS. The information states that payments that are made on the 1988 bonds will continues to decline, until those bonds are eventually retired in 2011. The information went on to discuss that if the 2004 bond measure is approved, residents would begin paying on the new bond in 2005.

4.106 The KCLS website documentation about the bond measure included a chart entitled “KCLS Bond Costs” that showed when the bonds issued in 1988 were going to retire, and that the total amount of the 1988 measure was being reduced annually. The chart also showed that in 2005, new bonds will be issued and that those 20-year bond costs will continue to rise while the 1988 bonds decline and are retired in 2011.

Under the “Funding/Cost Questions” section:

- **Question #1** asks how libraries are funded. **Answer:** “The King County Library System is primarily funded by property tax revenue. General funding for the Library District is assessed at an annual levy rate not to exceed \$.50 per \$1,000 of assessed valuation. The levy funding pays for general maintenance and operations such as staff salaries, operating expenses, etc. A capital bond is different than general operation monies and is used to finance large, one-time projects.”
- **Question #5** asks when a funding measure was last passed by KCLS. **Answer:** “In February 2002, voters passed a one-year levy lid lift to restore funding for operating expenses to the \$.50 per \$1,000 assessed valuation limitation. This vote only impacted the 2003 revenues. In 2004 the 1% growth limit will again apply until another levy lid lift is proposed and passed by voters.”
- **Question #7** asks if taxpayers are still paying for the 1988 bonds. **Answer:** “Yes, the 1988 bonds will mature in 2011 at which time payment will be complete. This bond will replace the expiring 1988 bond revenue and provide funding for the library’s 10-year capital budget. This bond will cost each household less than the current bond—approximately \$25 per year, or the cost of one book.”
- **Question #9** asks what the other costs are for the library system. **Answer:** “The annual operating expenses of the library system are funded by a property tax levy, which is limited to \$0.50 per \$1,000 of value. At the full \$0.50 rate this costs a \$200,000 homeowner \$100 per year. A \$300,000 homeowner pays \$150 per year. Due to the passage of I-747 the revenues the library district receives from this levy are limited to growth of 1% per year, which results in reducing the rate per \$1,000 of value below \$0.50. In 2002 I-747 reduced the levy to \$0.456. In 2003 the levy will return to \$0.50 since the voters approved this on February 5. This vote only impacted the 2003 revenues. In 2004 the 1% growth limit applies.”

KCLS explanatory statement in the 2004 King County Primary Election Voters Pamphlet:

4.107 Ms. Wallace submitted a one-page facsimile of a copy of the 2004 King County Primary Election Voters Pamphlet that included information about King County Rural Library District Proposition #1. **See Exhibit #24.** The information about KCLS Proposition #1 that was in the Voter's Pamphlet included the following:

- Proposition #1 Ballot Title language: The Ballot Title language about Proposition 1 included the following statements: "This proposition would replace funding previously provided by the 1988 capital bonds...incur indebtedness, issue no more than \$172,000,000 of general obligation bonds maturing within 20 years, and levy annual excess property taxes to pay and retire such bonds..."
- Explanatory Statement: The explanatory statement prepared by KCLS included the following: "...The funding provided by the bonds would take the place of funding previously provided by library capital improvement bonds approved by voters in 1988. The bonds would fund the costs undertaking a ten-year plan for capital projects at every library throughout the Library System...If approved, the bonds authorized will be sold as needed, mature within 20 years of issue, and be repaid through annual levies of property taxes."
- Arguments for and Rebuttal of Statements against the Bond Measure: These statements were prepared by Louise Miller, Karen E. Glover and Mark W. Berry;
- Arguments against and Rebuttal of Statements for the Bond Measure: These statements were prepared by Will Knedlik.

4.108 A Library Public Information Activity Matrix supplied by KCLS indicated that KCLS prepared and paid for KCLS Levy Lid Lift information to be included in the February, 5, 2002 special election Voters Pamphlet printed and distributed by King County. The matrix also indicated that KCLS chose not to include any 2003 Bond Election information in the February, 4, 2003 special election Voters Pamphlet that was printed and distributed by King County.

KCLS 2004 Bond Liaison:

4.109 Mr. Ptacek stated KCLS has, over the years on numerous occasions, appointed an information liaison to assist with various public information initiatives. For the 2004 Bond Measure, Nancy Henkel, Assistant

Manager, Maple Valley Library, served as the KCLS Bond Information Liaison. Mr. Ptacek said that Ms. Henkel served as the “point person” with regard to providing information to KCLS staff members that had questions about the bond, and also in response to public inquiries about the bond measure.

- 4.110 PDC staff spoke with Ms. Henkel regarding her role as Bond Information Liaison for the 2004 KCLS Bond measure. She said she had been a volunteer for the steering committee for the bond measure, which resulted in her being selected for the liaison position. Ms. Henkel said she started the liaison position sometime in July of 2004, and was the person KCLS staff members contacted if they had questions about the bond measure. She also responded to specific public inquiries about the bond measure that had been forwarded to her by other library employees.
- 4.111 Ms. Henkel stated that in her role as liaison, she participated and coordinated a number of staff trainings, and also acted as a facilitator for the other regional libraries in providing them with 2004 Bond information and supplies, including brochures, bookmarks, book bags, banners and stickers. She did not coordinate or schedule any of the visits made by KCLS staff to community organizations, but did participate in events that included one or two presentations to retirement centers/homes, local parades and in some booths for other community events, mostly in the Maple Valley area.
- 4.112 Ms. Henkel said she only received one or two press calls related to the KCLS bond measure, and those calls were forwarded on to Bill Ptacek or Julie Wallace. She said she received a few questions about the People for Libraries (PFL) campaign while on KCLS time, but only informed the caller that PFL is a private organization not connected with the KCLS. She said she may have provided one or two of the callers with the PFL phone number.

KCLS Training of library employees about the Bond Measure:

- 4.113 Mr. Ptacek stated that KCLS had undertaken “extensive efforts” in the past to provide information and educate staff about PDC rules, regulations and guidelines regarding RCW 42.17.130 and the prohibition against using public facilities to promote ballot propositions. He said the effort was no different for 2004, in which KCLS conducted a total of 23 training sessions with various regional and branch library employees and volunteers prior to the September 14, 2004, bond measure. Of the 23 training sessions, 22 took place between the period March 1-April 21, 2004, and included more than 600 KCLS staff members.

- 4.114 Mr. Ptacek stated that in December of 2003, KCLS staff conducted training sessions for about 200 of its KCLS managers and supervisors. He said the training session included a review of the PDC statute and guidelines, and how to respond to public inquiries about the 2004 Bond Measure. At those trainings, KCLS staff was provided information about the bond measure to enable staff to respond to public inquiries. The information and materials provided to staff included Election/Campaign Do's and Don'ts, KCLS staff Frequently Asked Questions (FAQ), sample talking points about the bond measure, and a power point presentation.
- 4.115 Ms. Wallace said KCLS wanted to make sure that staff members were doing things properly, which is why they undertook an extensive training effort. She said KCLS provided staff with information about the bond measure, making sure staff understood PDC rules and what they were allowed to do and not allowed to do. She stated KCLS had numerous staff meetings, whether at the children's librarians' regularly scheduled meeting, the Library Association meetings, or any number of other library meetings. The information at these presentations included details about the facts for the 2004 Bond Measure, and reinforced the information that KCLS had taken from the PDC guidelines. KCLS did not distribute the complete guidelines found in PDC Interpretation #00-05, but instead distributed a staff do's and don'ts which they stated included relevant information from the PDC guidelines.
- 4.116 In 2002, PDC staff participated in a panel discussion and training session sponsored by the Washington Library Association (WLA), as part of the 2002 WLA Conference. The session, entitled "Levy Election DO's and DON'Ts What public libraries can learn from public schools" was conducted on April 17, 2002, and was presented by the WLA. The "panel of experts" listed on the flyer included Bill Ptacek, KCLS Director, Leigh Pate, levy election consultant and a consultant that contracted with KCLS for the 2003 Bond Measure and the 2002 Library Choices Initiative, Tom Hagley, Community Relations Manager for the Vancouver Public Schools, and PDC staff member Doug Ellis.

2003 KCLS Bond Measure:

- 4.117 KCLS conducted a \$158 million bond election on the February 4, 2003 special election ballot. KCLS hired Leigh Pate Consulting and Kristi England to assist in developing and implementing community outreach efforts and message development for the bond measure.

Community Outreach:

Mr. Ptacek stated the KCLS undertook community outreach efforts with regard to the bond measure. Those outreach efforts consisted of making numerous presentations to community groups including local Friends Of The Library groups, Library Advisory Boards, and other community-related organizations. In addition, the KCLS provided a list of 10 meetings and presentations that were made by KCLS staff and board members from January 6-February 28, 2003. The meetings and presentations included visits to cities (2), local libraries and library advisory boards (5), and other community group meetings (3).

In addition to the 10 meetings listed for the Bond Measure, the KCLS also made presentations or attended meetings for an additional 25 community organizations between March 25, 2003, and December 22, 2003. The organizations included local libraries and library advisory boards, cities and schools, local friends of the libraries groups, and other community-related organizations such as community councils, Rotary Groups, and Lions Club's. The purpose of these meetings was to provide information about KCLS libraries, programs and resources.

Materials produced by KCLS:

KCLS patrons were made aware of the information about the 2003 Bond Measure from information distributed in the libraries, postings on the library website, on the intranet, and via phone and electronic message. Mr. Ptacek stated in his response that KCLS produced and distributed numerous pieces of printed material that included a brochure, flyer, bookmark, and poster for the 2003 Bond Measure.

Editorial Board Visits/Newspaper Coverage:

Mr. Ptacek stated in the response that KCLS staff and/or Board of Trustee members visited local editorial boards or had discussions with local newspapers during the 2003 bond measure. He stated that the editorial boards and news media were given printed materials and other information that KCLS had given to the general public. The editorial board visits and newspaper coverage in 2003 with regard to the 2003 Bond Measure consisted of the following:

- January 26, 2003: The Seattle Times/Post-Intelligencer. The Seattle Times and Post Intelligencer both endorsed KCLS Proposition #1 with the headline reading "Support Your Local County Library";
- January 29, 2003: Eastside Journal & South County Journal. The King County Journal endorses KCLS Proposition #1 with the headline reading "Library Bond Worthwhile Investment";

- January 30, 2003: The Seattle Post-Intelligencer: Seattle Post Intelligencer endorses KCLS Proposition #1 with the headline reading "Approve Libraries, Pools on Tuesday";
- February 4, 2003: South County Journal. The King County Journal endorses KCLS Proposition #1 with the headline reading "Yes" on Library, School Measures."

KCLS Staff Training & KCLS Liaison:

Mr. Ptacek stated in his response that for the 2003 Bond Measure, there were a number of staff meetings, presentations and training sessions that were undertaken by KCLS at public service meetings, KCLS Regional Manager meetings and at regional libraries within the KCLS upon request to provide staff with factual information about the bond measure. He stated the information provided to KCLS staff included a PDC Guideline sheet, a KCLS Fact Sheet, and frequently asked questions for the 2003 Bond Measure. Laurel Steiner was selected as the KCLS Liaison for the 2003 Bond Measure and was responsible for communicating with staff and keeping them informed about the bond measure. He was also responsible for meeting with them, providing information to KCLS staff, and responding to public comments as needed.

2002 Library Choices initiative:

- 4.118 Mr. Ptacek stated that the Library Choices Initiative (LCI) was an outreach program undertaken in 2002 that included KCLS staff, library patrons, stakeholders and local communities. The community outreach effort was to assist KCLS in identifying community library needs for the next ten years and to prioritize those needs. The KCLS hired a consultant, Leigh Pate, Inc., in early 2002 to assist in developing and implementing community outreach goals, budgets and timelines, and to analyze public opinion survey results.
- 4.119 The LCI conducted meetings in all communities served by the library system to present the initial plans, and obtain feedback from the community about current library services and future community library needs. From these meetings, Mr. Ptacek stated the KCLS heard from more than 2,000 library users with suggestions and criticisms about the current system and what it should be in the future.

Community Outreach:

Mr. Ptacek stated the LCI began the planned community outreach efforts in early May of 2002. Those outreach efforts consisted of meetings held in every community, presentations to community organizations, and local Friends Of The Library groups. In addition, the KCLS provided a list of 20 meetings and presentations that were made by KCLS staff and board members from May 1-November 26, 2002. The meetings and presentations included visits to cities (8), local library advisory boards (5), and local community meetings (6). KCLS patrons were notified of the local meetings by receiving a mailed postcard, and by information posted in local libraries and on the library website.

Materials produced by KCLS:

Mr. Ptacek stated in his response that KCLS produced and distributed numerous pieces of printed material that included a brochure, flyers, direct mail postcards, bookmarks, posters and banners. KCLS produced and distributed a 2002 Library Choices postcard that was mailed to all households within the KCLS service area to a total of 554,188 recipients. In addition, the KCLS also produced a video for the LCI that featured former KCLS Board Chair Tobias Washington.

Editorials/Newspaper Coverage:

Mr. Ptacek stated in his response that KCLS received extensive media attention for the 2002 Library Choices Initiative that included more than 40 features, articles, editorials or news briefs.

KCLS Staff Training & KCLS Liaison:

Mr. Ptacek stated in his response that for the 2002 LCI, there were a number of staff meetings, presentations and training sessions that were undertaken by KCLS to provide staff with factual information about the project and outreach plans. He stated KCLS staff was able to provide input and ideas about the LCI from feedback they had received from library patrons, or their own input. He stated that KCLS staff helped develop a "Staff Toolkit" to assist them in responding to public inquiries. Laurel Steiner was selected as the KCLS Liaison for the LCI project and was responsible for communicating with staff and keeping them informed about the project, meeting with them, providing information to KCLS staff, and responding to public comments as needed.

2002 Library Levy Lid Lift:

- 4.120 KCLS conducted a levy lid lift election on the February 5, 2002 special election ballot. KCLS did not hire a consulting firm for this election.

Community Outreach:

Mr. Ptacek stated the KCLS undertook community outreach efforts with regard to the library levy. Those outreach efforts consisted of making numerous presentations to community groups served by the KCLS, including local Friends Of The Library groups, Library Advisory Boards, and other community-related organizations. In addition, the KCLS provided a list of 12 meetings and presentations that were made by KCLS staff and board members from January 10-February 26, 2002. The meetings and presentations included visits to Downtown Bellevue (4), service clubs (2); library advisory boards (2); radio stations (2); editorial boards (1) and cities (1).

Materials produced by KCLS:

Mr. Ptacek stated in his response that KCLS produced and distributed numerous pieces of printed material for the 2002 levy lid lift that included a brochure, flyers, postcard, bookmarks, and paper banners informing citizens of the date of the ballot proposition.

Editorial Board Visits/Newspaper Coverage:

Mr. Ptacek stated in his response that KCLS staff and/or Board of Trustee members visited local editorial boards or had discussions with local newspapers during the 2002 levy lid lift. He stated that the editorial boards and news media were given printed materials and other information that KCLS had given to the general public. The editorial board visits and newspaper coverage in 2002 with regard to the levy lid lift consisted of the following:

- January 28, 2002: The Seattle Times. The Seattle Times endorsed KCLS Proposition #1 with the headline reading "Keep County Libraries Whole and Strong";
- January 31, 2002: South County Journal. The South King County Journal endorses KCLS Proposition #1 with the headline reading "OK Library Levy";
- January 31, 2002: Eastside Journal. The Eastside Journal endorses KCLS Proposition #1 with the headline reading "Library Levy Needed to Keep Services";
- February 3, 2002: Eastside Journal. The Eastside Journal endorses KCLS Proposition #1 with the headline reading "Saying Yes Helps Library, Our Schools."
- February 3, 2002: South County Journal. The South King County Journal endorses KCLS Proposition #1 with the headline reading "Our Views for Tuesday's Election Ballot";

KCLS Staff Training:

Mr. Ptacek stated in his response that for the 2002 Levy Lid Lift election, there were a number of presentations and training sessions that were undertaken by KCLS to provide staff with factual information about the levy and to review the PDC Guidelines. He stated the information provided to KCLS staff included what he classified as “standard communication pieces” that included a PDC guideline sheet, a KCLS Fact Sheet, frequently asked questions, and other printed materials concerning the 2002 Levy Lid Lift election.

2001 Postcard:

- 4.121 KCLS produced and distributed a 2001 Internet Choice postcard that was mailed to all households within the KCLS service area, a total of 438,387 recipients.

2000 Library Card Campaign:

- 4.122 Mr. Ptacek stated that the Library Card Campaign (LCC) was an effort on the part of the KCLS to increase the number of Library cardholders. The patron count for current Library cardholders in 1999 was about half of the eligible residents in King County, excluding the City of Seattle which operates its own library system. Mr. Ptacek stated “We needed to do a better job of promoting our resources to our regular patrons, and to reach out actively to recruit new patrons across the county and across all economic and demographic lines.”
- 4.123 Based on a diverse social, cultural, and geographic population, KCLS incorporated many different types of communication that included marketing materials, advertising, online through the KCLS website, electronic messages, and through community, city and school outreach efforts. The county-wide LCC also allowed the KCLS to develop and implement “new marketing strategies to promote the library system’s wealth of electronic resources.” At the same time KCLS wanted to enhance public awareness and change non-library users’ perceptions about the library.

Consultant:

KCLS hired a consulting firm, Girvin, Inc., in early 2000 to assist them in developing a strategic branding process to create a new and modern “visual identity” for the library. As part of the process, KCLS focused on the most important and key features of the library and highlighted those services and resources. KCLS established a primary goal to heighten

awareness of KCLS electronic resources, and developed three objectives to achieve that goal by the end of calendar year 2000.

Community Outreach:

The goals established by the KCLS with regard to the LCC were to bring in 50,000 new KCLS cardholders, to sign up 32,000 new student KCLS cardholders, and log at least 10,000,000 hits on the library website kcls.org (previous high count was 4.8 million). To assist KCLS in achieving those LCC objectives, KCLS conducted an extensive community outreach program. For the LCC, KCLS outreach efforts included:

- Mr. Ptacek and KCLS Associate Directors met with every School District Superintendent in the districts served by KCLS;
- KCLS provided a list of 21 meetings and presentations that were made by KCLS staff covering the period July 25-December 14, 2000, that included visits to school districts (11), local library advisory boards (7), and cities (3).
- KCLS librarians visited numerous schools within their community to assist in distributing library cards, participate in assemblies, and to help generate student awareness and interest in the library; and
- King County Executive Ron Sims was the keynote speaker for the LCC kickoff and assisted the KCLS by distributing promotional materials throughout King County offices. He also assisted in visiting schools.

4.124 Mr. Ptacek stated the LCC began the planned community outreach efforts in July of 2000, and those outreach efforts consisted of KCLS employees making presentations to cities, school districts, and library advisory boards.

Materials produced by KCLS:

Mr. Ptacek stated in his response that KCLS produced and distributed numerous pieces of printed material for the 2000 LCC that included a brochure, flyers, a direct mail postcard sent to all households, posters and banners informing recipients about the LCC. KCLS patrons were notified of the local meetings by receiving a mailed postcard, and also from information posted in local libraries and on the library website.

Other Advertising/Promotions:

KCLS also undertook additional advertising and promotions for the LCC that were not part of its method of communicating with library patrons or their "normal PR." None of the five activities listed below appear to have

been undertaken by the KCLS for either the three ballot propositions or the 2002 Library Choices Initiative. The advertisements and promotions for the LCC included the following:

- Print advertisements in strategic newspapers;
- Billboards in high-traffic locations;
- Bus cards on major routes throughout King County
- Radio advertisements on strategic stations
- Video public service announcements that were distributed to all television stations.

Editorial Board Visits/Newspaper Coverage:

Mr. Ptacek stated in his response that KCLS staff and/or Board of Trustee members visited or participated in four local editorial boards. He also said the LCC received extensive media attention with 21 features, 11 articles and 29 briefs written about the campaign. He stated that the editorial boards and news media were given printed materials and other information about the LCC. The editorial board visits in 2000 with regard to the LCC included the following:

- April 19, 2000: South County Journal;
- June 29, 2000: South County Journal;
- August 19, 2000: The Seattle Times;
- August 21, 2000: Eastside Journal.

KCLS Staff Training & KCLS Liaison:

Mr. Ptacek stated in his response that for the LCC, there were a number of presentations and training sessions that were undertaken by KCLS to provide staff with the information about the LCC. Jim King, Managing Director of the Bellevue Regional Library, was selected as the KCLS Liaison for the LCC project and he kept staff informed about the campaign by meeting with them and through the distribution of regular updates. As KCLS Liaison, Mr. King also provided information to KCLS staff when they had questions about the LCC.

- 4.125 In all matters related to this investigation, KCLS Director Bill Ptacek, KCLS Community Relations/Graphics Manager Julie Wallace and other KCLS staff members have fully cooperated.

Respectfully submitted this 13th day of January, 2005.

Kurt Young
Compliance Officer

List of Exhibits:

- | | |
|--------------------|---|
| Exhibit #1 | November 18, 2004, citizen action 45-day letter filed by Will Knedlik against the King County Rural Library System. |
| Exhibit #2 | December 2, 2004, letter received from the Attorney General's Office formally notifying the PDC of Mr. Knedlik's 45-day letter. |
| Exhibit #3 | PDC Interpretation #00-05: Guidelines for Local Government Agencies, Including School Districts, in Election Campaigns. |
| Exhibit #4 | December 16, 2004, 17-page electronic response from the KCLS addressing the allegations made by Mr. Knedlik. |
| Exhibit #5 | Written transcript of Bill Ptacek Interview. |
| Exhibit #6 | Written transcript of Julie Wallace Interview. |
| Exhibit #7 | KCLS chart that was posted on their website entitled "KCLS Bond Costs." |
| Exhibit #8 | Book Sale Agreement entered into between the KCLS and the KCLS Foundation. |
| Exhibit #9 | KCLS provided 2-pie charts showing the KCLS Foundation's Income and Expenses for calendar year 2004. |
| Exhibit #10 | December 23, 2004, 13-page electronic response from the KCLS to provide information to PDC request. |
| Exhibit #11 | Copy of July 2004 KCLS Director's Report. |
| Exhibit #12 | December 29, 2004, 2-page electronic response from the KCLS to provide information to PDC request. |

- Exhibit #13** KCLS June 1994 Community Liaison Policy.
- Exhibit #14** 2-spreadsheets provided by KCLS listing payments during 2002 and 2003 to a number of different community organizations for membership fees and dues.
- Exhibit #15** KCLS provided a copy of the costs for all the materials produced and distributed for the 2004 Bond Measure.
- Exhibit #16** PDC summary of the costs for all the materials produced and distributed for the 2004 Bond Measure.
- Exhibit #17** KCLS 2004 tri-fold brochure for the 2004 Bond Measure.
- Exhibit #18** KCLS 2004 postcard for the 2004 Bond Measure.
- Exhibit #19** KCLS 2004 bookmarks for the 2004 Bond Measure: 3-versions.
- Exhibit #20** KCLS 2004 mouse pad insert for the 2004 Bond Measure.
- Exhibit #21** Reduced copies of KCLS 2004 banner and poster for the 2004 Bond Measure.
- Exhibit #22** January 12, 2005, 3-page electronic response from the KCLS regarding flyers that were attached to the posters for the 2004 Bond Measure.
- Exhibit #23** KCLS 2004 information about the 2004 Bond Measure on the KCLS website.
- Exhibit #24** September 2004 King County Voter's Pamphlet page regarding KCLS Proposition #1.